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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/734,953

12/11/2000

Bruce M. Schena

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12/08/2003

COOLEY GODWARD LLP

ATTN: PATENT GROUP

11951 FREEDOM DRIVE, SUITE 1700

ONE FREEDOM SQUARE- RESTON TOWN CENTER

RESTON, VA 20190-5061

EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

28

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/734,953

Applicant(s)

SCHENA ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39,40,42-44,49,50,52-54 and 61-78 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☒ Claim(s) 39,40,42-44,49,50,52-54,61-66 and 72-78 is/are allowed.

- 6) ☒ Claim(s) 67-71 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.

- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) ☒ The proposed drawing correction filed on 06 October 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 24&26.

4) ☒ Interview Summary (PTO-413) Paper No(s). 28.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. The amendment filed on 10/06/03 has been entered in part. The claims have been entered as well as the brief description of figure 7. The paragraphs following paragraph 0051 has not been entered because the location to enter these paragraphs are unclear since paragraph numbers are not present in this application's specification.
2. However, the substance of those paragraphs appear to be acceptable since they describe "click surfaces" and they are from column 18 lines 18-32 and column 19 line 32 to column 20 line 16 of the patent corresponding to the application incorporated by reference at page 14 line 16. It should be noted that the inventors for Patent No. 6,078,308 is Rosenberg and Chang while the inventors in this application is Schena and Rosenberg. Since essential subject matter from the 6,078,308 is being used to support claims 42, 52 and 67 then the inventors of claims 42, 52 and 67 may include Chang.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 10/06/03 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Response to Arguments

4. Applicant's arguments filed 10/06/03 have been fully considered.

The argument concerning claims 67-71 at pages 15-16 are not persuasive to overcome the 112 first paragraph rejection because the claim claims the haptic feedback is associated with a one of a graphical object and graphical region on the graphical interface. Thus, the later claimed spring force opposing a movement of said cursor displayed on the graphical interface is a spring force opposing movement with regard to one of a graphical object and graphical region. The spring force used to resist movement of a cursor into a click surface at the most supports the graphical object portion of the claim, see the paragraphs at pages 2 and 3 of applicants amendment, and does not teach a graphical region that has a spring force resisting movement of the cursor. Thus, even if the paragraphs at pages 2 and 3 of applicants response were added to this specification the 35 USC 112 first paragraph rejection would be maintained due to the limitation one of a graphical object and graphical region.

The argument concerning claims 70, 73, 78 and 79 at pages 16-17 are persuasive to overcome the 112 first paragraph rejection because the amendments made to claims 70, 73, and 78 are supported by the specification. Claim 79 was cancelled by applicant.

The argument concerning claims 72 and 74-75 at pages 17-18 are persuasive to overcome the 103 rejection because the amendments to claim 72 is not taught or suggested by Jacobus. Jacobus does not teach or suggest selecting a first type of haptic feedback... when the button is in a first position and selecting a second type of

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haptic feedback... when the button is in a second position different from the first position. The argument concerning claims 76-77 at pages 17-18 are persuasive to overcome the 103 rejection because the limitation already present in claim 76 is not suggested by Jacobus. Jacobus does not teach or suggest the haptic feedback being a first haptic-feedback when the button is in a first position and being a second haptic-feedback when the button is in a second position. Applicants specification in the paragraph spanning pages 13-14 describes the claimed first type of haptic feedback as no haptic feedback and described the second type of haptic feedback as spring force. In Jacobus the system would start with a first type of haptic feedback.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 67-71 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 67-71:

Claim 67 claims the haptic feedback being representative of a resistive spring force opposing a movement of said cursor displayed on the graphical interface through

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graphical regions. The description described a spring force opposing the movement of the cursor through a window border and other graphical objects but did not describe using a spring force to oppose movement of the cursor through graphical regions.

Allowable Subject Matter

7. Claims 63 and 66 are allowed.

The prior art of record does not teach or suggest an indexing button on the force feedback interface device enabling an indexing mode. This is described in applicant's specification at page 12 line 33 to page 13 line 12.

8. Claims 39, 40, 42-44, 49, 50, 52-54, 61, 62, 64, and 65 are allowed.

The prior art of record does not teach or suggest when or after a force functionality button is depressed by the user and when the cursor crosses a border of a click surface applying by the actuator a spring force resisting motion of the cursor into said click surface. The closest prior art is Salcudean which at column 9 lines 44-48 describes transferring the tactile sense of pressing a button when the pointer or cursor presses the softbutton, but does not teach the force functionality button and does not teach applying a spring force resisting motion of the cursor as the cursor crosses the border of the click surface into the click surface.

9. Claims 72-75 are allowed.

The prior art of record does not teach or suggest selecting a first type of haptic feedback... when the button is in a first position and selecting a second type of haptic feedback... when the button is in a second position different from the first position.

10. Claims 76-78 are allowed.

The prior art of record does not teach or suggest the haptic feedback being a first haptic-feedback when the button is in a first position and being a second haptic-feedback when the button is in a second position.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
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